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**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

JUL 19 2007

Applicant:

Henry R. Costantino, Lawrence J. Bonassar and Mark A. Tracy

Application No.:

10/784,908

Group: 1657

Filed:

February 23, 2004

Examiner: David M. Naff

Confirmation No.: 6133

For: COMPOSITION FOR THE DELIVERY OF LIVE CELLS AND METHODS OF USE THEREOF

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or is being facsimile transmitted to the United States Patent and Trademark Office on:

7-17-07

Date

Signature

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated January 22, 2007 of the Examiner finally rejecting claims 1-22. The item(s) checked below are appropriate:

1. Applicant hereby petitions to extend the time for filing a Notice of Appeal in response to the Office Action Made Final dated January 22, 2007 for three month(s) from April 22, 2007 to July 22, 2007.
2. A [] month extension of time to respond to the Office Action Made Final dated [] was filed on [] with payment of a \$[] fee.
 Applicant hereby petitions for an additional [] month extension of time to respond to the Office Action Made Final.

07/20/2007 SSITHIB1 00000017 10784908
01 FC:1253

1020.00 0P

07/20/2007 SSITHIB1 00000017 10784908
02 FC:1401

500.00 0P

3. Fees are submitted for the following:

<input checked="" type="checkbox"/>	Extension of Time for three month(s)	\$1020
<input type="checkbox"/>	Additional Extension of Time:	
	Fee for Extension ([] mo.)	\$[]
	Less fee paid ([] mo.)	\$[]
	Balance of fee due	\$[]
<input checked="" type="checkbox"/>	Notice of Appeal	\$500
<input type="checkbox"/>	Other	\$[]
		TOTAL \$1520

4. The method of payment for the total fees is as follows:

- A check in the amount of \$1520.00 is enclosed.
- Please charge Deposit Account No. 08-0380 in the amount of \$[].

Please charge any deficiency or credit any overpayment in the fees that may be due in this matter to Deposit Account No. 08-0380. A copy of this document is enclosed for accounting purposes.

Respectfully submitted,

HAMILTON, BROOK, SMITH & REYNOLDS, P.C.

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Dated: July 17, 2007